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STATE FOR AF/EX, AF/RSA LMAZEL, LGRIESMER, AND LDEES, AND
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TAGS: [PHUM](#) [PGOV](#) [ZA](#)

SUBJECT: ZAMBIA: HUMAN RIGHTS TRENDS PERTAINING TO SEXUAL
ORIENTATION AND GENDER IDENTITY

REF: SECSTATE 130765

¶1. (U) This is a response to reftel request for information on human rights trends pertaining to sexual orientation and gender identity in Zambia.

¶2. (U) Chapter 87, Sections 155-8 of Zambia's Penal Code criminalize homosexuality, and the government enforces the law. Section 155 defines homosexuality as an "unnatural offense" and a felony. It also states that anyone who permits a male to engage in a homosexual act commits a felony and proscribes penalties ranging from 15 years to life imprisonment. Section 156 defines homosexual acts as a felony and provides penalties ranging from seven to 14 years' imprisonment for individuals who engage in homosexual acts. Section 157 prohibits homosexual acts with minors under the age of 16 and proscribes penalties ranging from 15 years to life imprisonment. Section 158, "Indecent Practices between Persons of the Same Sex," defines homosexuality, including lesbianism, as an "act of gross indecency" and a felony. There are no other laws or provisions of laws pertaining to homosexuality or pending anti-homosexuality legislation.

¶3. (SBU) In 1998 Alfred Zulu, then-director of the NGO Zambia Independent Monitoring Team, opened the debate on lesbian, gay, bisexual, and transsexual (LGBT) rights in Zambia by publicly advocating that the LGBT rights NGO LEGATRA be registered with the Ministry of Home Affairs Registrar of Societies. However, his attempt to foster dialogue on sexual orientation and gender identity met strong resistance. Zulu was threatened with arrest and prosecution for supporting an illegal, unregistered organization. Public advocacy in favor of LGBT rights ended when Zulu ended his public support for LEGATRA. In 2005 the Zambian Parliament debated and passed legislation amending and strengthening the Penal Code's anti-homosexuality provisions.

¶4. (SBU) Zambian culture is strongly opposed to homosexuality. Sexual orientation and gender identity related societal violence occurs. Public attitudes toward homosexuality are negative, and levels of tolerance of homosexual behavior are very low. Negligible differences exist between ethnic, religious, political, or age groups on homosexuality. The Zambian government does not respond to incidents of LGBT discrimination and actively prosecutes gay, lesbian, and transgendered individuals under the law. There were no court cases this year specifically related to homosexuality.

¶5. (SBU) LGBT rights groups exist in Zambia but are not registered with the Registrar of Societies and are illegal. As a result, group leaders face the possibility of arrest and prosecution. The NGO Zambia Against People with Abnormal Sexual Acts formed in 1999 to advocate against homosexual rights. Discussion of LGBT issues is generally considered taboo, and there was no known anti-homosexual public advocacy

aimed at restricting LGBT activities by politicians or NGO
leaders in the past two years.
KOPLOVSKY